

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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BILL DRAFT 2015-MNz-20A [v.3] (04/25)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
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Short Title: GSC technical corrections 2.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ....

The General Assembly of North Carolina enacts:

**SECTION #.** G.S. 7A-292(a) reads as rewritten:

"(a) In addition to the jurisdiction and powers assigned in this Chapter to the magistrate in civil and criminal actions, each magistrate has the following additional powers:

...

(10) To take acknowledgment of a written contract or separation agreement between ~~husband and wife~~ individuals married to each other.

...."

**SECTION #.** G.S. 7B-1109(f) reads as rewritten:

"(f) The burden in such proceedings shall be upon the petitioner or movant and all findings of fact shall be based on clear, cogent, and convincing evidence. The rules of evidence in civil cases shall apply. No ~~husband and wife~~ marital privilege or physician-patient privilege shall be grounds for excluding any evidence regarding the existence or nonexistence of any circumstance authorizing the termination of parental rights."

**SECTION #.** G.S. 7B-3503 reads as rewritten:

**"§ 7B-3503. Hearing.**

The court, sitting without a jury, shall permit all parties to present evidence and to cross-examine witnesses. The petitioner has the burden of showing by a preponderance of the evidence that emancipation is in the petitioner's best interests. Upon finding that reasonable cause exists, the court may order the juvenile to be examined by a psychiatrist, a licensed clinical psychologist, a physician, or any other expert to evaluate the juvenile's mental or physical condition. The court may continue the hearing and order investigation by a juvenile court counselor or by the county department of social services to substantiate allegations of the petitioner or respondents.

No ~~husband and wife~~ marital privilege or physician-patient privilege shall be grounds for excluding any evidence in the hearing."

**SECTION #.** G.S. 8-56 reads as rewritten:

**"§ 8-56. ~~Husband and wife~~ Spouses as witnesses in civil action.**

In any trial or inquiry in any suit, action or proceeding in any court, or before any person having, by law or consent of parties, authority to examine witnesses or hear evidence, the ~~husband or wife~~ spouse of any party thereto, or of any person in whose behalf any such suit, action or proceeding is brought, prosecuted, opposed or defended, shall, except as ~~herein stated~~, provided



\* 2 0 1 5 - M N Z - 2 0 A - V - 3 \*

1 in this section, be competent and compellable to give evidence, as any other witness on behalf of  
2 any party to ~~such-the~~ suit, action or proceeding. ~~No husband or wife-Neither spouse~~ shall be  
3 compellable to disclose any confidential communication made by one to the other during their  
4 marriage."

5 **SECTION #.** G.S. 8-57 reads as rewritten:

6 "**§ 8-57. ~~Husband and wife~~ Spouses as witnesses in criminal actions.**

7 (a) The spouse of the defendant shall be a competent witness for the defendant in all  
8 criminal actions, but the failure of the defendant to call ~~such-the~~ spouse as a witness shall not be  
9 used against ~~him. Such-the defendant.~~ The spouse is subject to cross-examination as are other  
10 witnesses.

11 (b) The spouse of the defendant shall be competent but not compellable to testify for the  
12 State against the defendant in any criminal action or grand jury proceedings, except that the spouse  
13 of the defendant shall be both competent and compellable to so testify:

- 14 (1) In a prosecution for bigamy or criminal cohabitation, to prove the fact of  
15 marriage and facts tending to show the absence of divorce or annulment;
- 16 (2) In a prosecution for assaulting or communicating a threat to the other spouse;
- 17 (3) In a prosecution for trespass in or upon the separate lands or residence of the  
18 other spouse when living separate and apart from each other by mutual consent  
19 or court order;
- 20 (4) In a prosecution for abandonment of or failure to provide support for the other  
21 spouse or their child;
- 22 (5) In a prosecution of one spouse for any other criminal offense against the minor  
23 child of either spouse, including any child of either spouse who is born out of  
24 wedlock or adopted or a foster child.

25 (c) ~~No husband or wife-Neither spouse~~ shall be compellable in any event to disclose any  
26 confidential communication made by one to the other during their marriage."

27 **SECTION #.** G.S. 8-57.1 reads as rewritten:

28 "**§ 8-57.1. ~~Husband-wife~~ Marital privilege waived in child abuse.**

29 Notwithstanding the provisions of G.S. 8-56 and G.S. 8-57, the ~~husband-wife-marital~~ privilege  
30 shall not be ground for excluding evidence regarding the abuse or neglect of a child under the age  
31 of 16 years or regarding an illness of or injuries to such a child or the cause thereof in any judicial  
32 proceeding related to a report pursuant to the Child Abuse Reporting Law, Article 3 of Chapter 7B  
33 of the General Statutes of North Carolina."

34 **SECTION #.** G.S. 14-259 reads as rewritten:

35 "**§ 14-259. Harboring or aiding certain persons.**

36 It shall be unlawful for any person knowing or having reasonable cause to believe, that any  
37 person has escaped from any prison, jail, reformatory, or from the criminal insane department of  
38 any State hospital, or from the custody of any peace officer who had such person in charge, or that  
39 such person is a convict or prisoner whose parole has been revoked, or that such person is a  
40 fugitive from justice or is otherwise the subject of an outstanding warrant for arrest or order of  
41 arrest, to conceal, hide, harbor, feed, clothe or otherwise aid and comfort in any manner to any  
42 such person. Fugitive from justice shall, for the purpose of this provision, mean any person who  
43 has fled from any other jurisdiction to avoid prosecution for a crime.

44 Every person who shall conceal, hide, harbor, feed, clothe, or offer aid and comfort to any  
45 other person in violation of this section shall be guilty of a felony, if such other person has been  
46 convicted of, or was in custody upon the charge of a felony, and shall be punished as a Class I  
47 felon; and shall be guilty of a Class 1 misdemeanor, if such other person had been convicted of, or  
48 was in custody upon a charge of a misdemeanor, and shall be punished in the discretion of the  
49 court.

1 The provisions of this section shall not apply to members of the immediate family of such  
2 person. For the purposes of this section "immediate family" shall be defined to be the mother,  
3 father, brother, sister, ~~wife, husband and spouse~~, and child of ~~said the~~ person."

4 **SECTION #.** G.S. 18B-700(k) reads as rewritten:

5 "(k) Nepotism. – Members of an immediate family shall not be employed within the local  
6 board if ~~such the~~ employment will result in one member of the immediate family supervising  
7 another member of the immediate family, or if one member of the immediate family will occupy a  
8 position which has influence over another member's employment, promotion, salary  
9 administration, or other related management or personnel considerations. This subsection applies  
10 to local board members and employees.

11 For the purpose of this subsection, the term "immediate family" includes ~~wife, husband, a~~  
12 ~~spouse~~, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, and  
13 granddaughter. Also included are the step-, half-, and in-law relationships. It also includes other  
14 people living in the same household, who share a relationship comparable to immediate family  
15 members, if either occupies a position which requires influence over the other's employment,  
16 promotion, salary administration, or other related management or personnel considerations."

17 **SECTION #.** G.S. 23-20 reads as rewritten:

18 **"§ 23-20. Duties of trustee; accounting; oath.**

19 The trustee of the imprisoned debtor shall pay ~~his the debtor's~~ debts pro rata. After paying  
20 ~~such the~~ debts, the trustee shall apply the surplus, from time to time, to the support of the ~~wife~~  
21 ~~spouse~~ and children of the ~~debtor~~, under the direction of the superior court. When the imprisoned  
22 debtor is lawfully discharged from ~~his~~ imprisonment, the trustee shall deliver to ~~him the debtor~~  
23 all the estate, real and personal, of ~~such the~~ debtor, after retaining a sufficient sum to satisfy the  
24 expenses incurred in the execution of the trust and lawful commissions therefor. The trustee shall  
25 make ~~his the trustee's~~ returns and have ~~his the trustee's~~ accounts audited and settled by the clerk of  
26 the superior court of the county where the proceeding was had, in like manner as provided for  
27 personal representatives. Before proceeding to the discharge of ~~his the trustee's~~ duty, the trustee  
28 shall take and subscribe an oath, well and truly to execute ~~his the trustee's~~ trust according to ~~his the~~  
29 ~~trustee's~~ best skill and understanding. The oath must be filed with the clerk of the superior court."

30 **SECTION #.** G.S. 28A-15-6 reads as rewritten:

31 **"§ 28A-15-6. Federal income tax refunds – joint returns.**

32 Upon the determination by the United States Treasury Department of an overpayment of  
33 income tax by a married couple filing a joint federal income tax return, one of whom has died  
34 since the filing of ~~such return the return~~, or where a joint federal income tax return is filed on  
35 behalf of a ~~husband and wife~~, married couple, one of whom has died prior to the filing of the  
36 return, any refund of the tax by reason of ~~such the~~ overpayment, if not in excess of five hundred  
37 dollars (\$500.00), shall be the sole and separate property of the surviving spouse. In the event that  
38 both spouses are dead at the time ~~such the~~ overpayment is determined, ~~such the~~ refund, if not in  
39 excess of five hundred dollars (\$500.00), shall be the sole and separate property of the estate of the  
40 spouse who died last and may be paid directly by the Treasury Department to the executor or  
41 administrator of ~~such that individual's~~ estate, or to the person entitled to the possession of the  
42 assets of a small estate pursuant to the provisions of Article 25 of this Chapter."

43 **SECTION #.** G.S. 35A-1307 reads as rewritten:

44 **"§ 35A-1307. Spouse of incompetent ~~husband or wife~~ individual entitled to special**  
45 **proceeding for sale of real property.**

46 Every married ~~person individual~~ whose ~~husband or wife spouse~~ is adjudged incompetent and is  
47 confined in a mental hospital or other institution in this State, and who was living with the  
48 incompetent spouse at the time of commitment shall, if he or she be in needy circumstances, have  
49 the right to bring a special proceeding before the clerk to sell the real property of the incompetent  
50 spouse, or so much thereof as is deemed expedient, and have the proceeds applied for support:  
51 Provided, that ~~said the~~ proceeding shall be approved by the judge of the superior court holding the

1 courts of the superior court district or set of districts as defined in G.S. 7A-41.1 where the ~~said~~  
2 property is situated. When the deed of the commissioner appointed by the court, conveying the  
3 lands belonging to the incompetent spouse is executed, probated, and registered, it conveys a good  
4 and indefeasible title to the purchaser."

5 **SECTION #.** G.S. 35A-1310 reads as rewritten:

6 **"§ 35A-1310. Where one spouse or both incompetent; special proceeding before clerk.**

7 In all cases where a husband and wife ~~shall be~~ individuals married to each other are **[a**  
8 **married couple is?]** seized of property as an estate by the entirety, and ~~the wife or the husband or~~  
9 ~~both shall be or become~~ either spouse or both spouses are mentally incompetent to execute a  
10 conveyance of the estate so held, and the interest of ~~said parties shall make the parties makes~~ it  
11 necessary or desirable that ~~such the~~ property be mortgaged or sold, ~~it shall be lawful for the~~  
12 mentally competent ~~spouse and/or spouse,~~ the guardian of the mentally incompetent spouse,  
13 ~~and/or or~~ the guardians of both (where both are mentally incompetent) ~~to may~~ file a petition with  
14 the clerk of the superior court in the county where the lands are located, setting forth all facts  
15 relative to the status of the owners, and showing the necessity or desirability of the sale or  
16 mortgage of ~~said property, and the clerk, after first finding as a fact that either the husband~~  
17 ~~or wife, or both, are mentally incompetent, shall have power to authorize the interested~~  
18 ~~parties and/or their guardians to execute a mortgage, deed of trust, deed, or other~~  
19 ~~conveyance of such property, provided it shall appear to said clerk's satisfaction that same is~~  
20 ~~necessary or to the best advantage of the parties, and not prejudicial to the interest of the~~  
21 ~~mentally incompetent spouse. the property. The clerk may authorize the interested parties~~  
22 ~~and their guardians, as applicable, to execute a mortgage, deed of trust, deed, or other~~  
23 ~~conveyance of the property if the clerk finds all of the following:~~

24 (1) Either spouse, or both, are mentally incompetent.

25 (2) The clerk is satisfied that the transaction is necessary or to the best  
26 advantage of the parties and not prejudicial to the interest of the mentally  
27 incompetent spouse.

28 All petitions filed under the authority of this section shall be filed in the office of the clerk of the  
29 superior court of the county where the real estate or any part of same is situated."

30 **SECTION #.** G.S. 35A-1312 reads as rewritten:

31 **"§ 35A-1312. Proceeding valid in passing title.**

32 Any mortgage, deed, or deed of trust executed under authority of this Article by a regularly  
33 conducted special proceeding as provided shall have the force and effect of passing title to ~~said~~  
34 ~~the~~ property to the same extent as a deed executed jointly by ~~husband and wife, individuals~~  
35 ~~married to each other,~~ where both are mentally capable of executing a conveyance."

36 **SECTION #.** The title of Article 2 of Chapter 39 of the General Statutes reads as  
37 rewritten:

38 "Article 2.

39 Conveyances by Husband and Wife. Spousal Conveyances."

40 **SECTION #.** G.S. 39-7 reads as rewritten:

41 **"§ 39-7. Instruments affecting married person's individual's title; joinder of spouse;**  
42 **exceptions.**

43 (a) In order to waive the elective life estate of ~~either husband or wife a spouse~~ as provided  
44 for in G.S. 29-30, every conveyance or other instrument affecting the estate, right or title of any  
45 married ~~person individual~~ in lands, tenements or hereditaments must be executed by such ~~husband~~  
46 ~~or wife, spouse,~~ and due proof or acknowledgment thereof must be made and certified as provided  
47 by law.

48 *[staff note: I think subsection (a) means that for spouse x to waive his or her elective life*  
49 *estate in spouse y's real property on y's death, x must join any conveyance of that property by y.]*

50 (b) A married ~~person individual~~ may bargain, sell, lease, mortgage, transfer and convey  
51 any of his or her separate real estate without joinder or other waiver by his or her spouse if ~~such~~

1 ~~the~~ spouse is incompetent and a guardian or trustee has been appointed as provided by the laws of  
2 ~~North Carolina, this State,~~ and if the appropriate instrument is executed by the married ~~person~~  
3 ~~individual~~ and the guardian or trustee of the incompetent spouse and is probated and registered in  
4 accordance with law, it shall convey all the estate and interest as therein intended of the married  
5 ~~person-individual~~ in the land conveyed, free and exempt from the elective life estate as provided in  
6 G.S. 29-30 and all other interests of the incompetent spouse.

7 (c) Subsection (a) shall not be construed to require the spouse's joinder or other waiver of  
8 the elective life estate of such spouse as provided for in G.S. 29-30 where a different provision is  
9 made or provided for in the General Statutes including, but not limited to, G.S. 39-13, 39-13.3,  
10 39-13.4, 31A-1(d), and 52-10."

11 **SECTION #.** G.S. 39-8 reads as rewritten:

12 **"§ 39-8. Acknowledgment at different times and places; before different officers; order**  
13 **immaterial.**

14 In all cases of deeds, or other instruments executed by ~~husband and wife-individuals married to~~  
15 ~~each other~~ and requiring registration, the probate of such instruments as to ~~the husband-one spouse~~  
16 and due proof or acknowledgment of the ~~wife-other spouse~~ may be taken before different officers  
17 authorized by law to taken probate of deeds, and at different times and places, whether both of  
18 ~~said-the~~ officials reside in this State or only one in this State and the other in another state or  
19 country. And in taking the probate of such instruments executed by ~~husband and wife, individuals~~  
20 ~~married to each other,~~ it is immaterial whether the execution of the instrument was proven as to or  
21 acknowledged by ~~the husband-one spouse~~ before or after due proof as to or acknowledgment of  
22 the ~~wife-other spouse.~~"

23 **SECTION #.** G.S. 39-9 reads as rewritten:

24 **"§ 39-9. Absence of ~~wife's one spouse's~~ acknowledgment does not affect deed as to**  
25 **~~husband-the other spouse.~~**

26 When an instrument purports to be signed by ~~a husband and wife-individuals married to each~~  
27 ~~other,~~ the instrument may be ordered ~~registered, registered~~ if the acknowledgment of ~~the husband~~  
28 ~~one spouse~~ is duly taken, but no such instrument shall be the act or deed of the ~~wife-other spouse~~  
29 unless proven or acknowledged by ~~him or her~~ according to law."

30 **SECTION #.** G.S. 39-13.2 reads as rewritten:

31 **"§ 39-13.2. Married ~~persons-individuals~~ under 18 made competent as to certain**  
32 **transactions; certain transactions validated.**

33 (a) Any married ~~person-individual~~ under 18 years of age is authorized and empowered and  
34 shall have the same privileges as are conferred upon married ~~persons-individuals~~ 18 years of age  
35 or older to:

- 36 (1) Waive, release or renounce by deed or other written instrument any right or  
37 interest which he or she may have in the real or personal property (tangible or  
38 intangible) of the other spouse; or  
39 (2) Jointly execute with his or her spouse, if ~~such-the~~ spouse is 18 years of age or  
40 older, any note, contract of insurance, deed, deed of trust, mortgage, lien of  
41 whatever nature or other instrument with respect to real or personal property  
42 (tangible or intangible) held with ~~such-the~~ other spouse either as tenants by the  
43 entirety, joint tenants, tenants in common, or in any other manner.

44 (b) Any transaction between ~~a husband and wife-two~~ individuals married to each other  
45 pursuant to this section shall be subject to the provisions of G.S. 52-10 or 52-10.1 whenever  
46 applicable.

47 (c) No renunciation of dower or curtesy or of rights under G.S. 29-30(a) by a married  
48 ~~person-individual~~ under the age of 21 years after June 30, 1960, and until April 7, 1961, shall be  
49 invalid because ~~such person-the individual~~ was under ~~such-that~~ age. No written assent by a  
50 husband under the age of 21 years to a conveyance of the real property of his wife after June 30,

1960, and until April 7, 1961, shall be invalid because ~~such~~ the husband was under ~~such~~ that age."

SECTION #. G.S. 39-13.4 reads as rewritten:

**"§ 39-13.4. Conveyances by ~~husband or wife~~ a spouse under deed of separation.**

Any conveyance of real property, or any interest therein, by ~~the husband or wife~~ a spouse who ~~have~~ has previously executed with his or her spouse a valid and lawful deed of separation which authorizes ~~said husband or wife~~ the conveying spouse to convey real property or any interest therein without the consent and joinder of the other and which deed of separation or a memorandum of the deed of separation setting forth such authorization is recorded in the county where the land lies, shall be valid to pass such title as the conveying spouse may have to his or her grantee and shall pass such title free and clear of all rights in such property and free and clear of such interest in property that the other spouse might acquire solely as a result of the marriage, including any rights arising under G.S. 29-30, unless an instrument in writing canceling the deed of separation or memorandum thereof and properly executed and acknowledged by ~~said husband and wife~~ both spouses is recorded in the office of said register of deeds. The instrument which is registered under this section to authorize the conveyance of an interest in real property or the cancellation of the deed of separation or memorandum thereof shall comply with the provisions of G.S. 52-10 or 52-10.1.

All conveyances of any interest in real property by a spouse who had previously executed a valid and lawful deed of separation, or separation agreement, or property settlement, which authorized the parties thereto to convey real property or any interest therein without the consent and joinder of the other, when said deed of separation, separation agreement, or property settlement, or a memorandum of the deed of separation, separation agreement, property settlement, setting forth such authorization, had been previously recorded in the county where the property is located, and when such conveyances were executed before October 1, 1981, shall be valid to pass such title as the conveying spouse may have to his or her grantee, and shall pass such to ~~him~~ the grantee free and clear of rights in such property and free and clear of such interest in such property that the other spouse might acquire solely as a result of the marriage, including any rights arising under G.S. 29-30, unless an instrument in writing canceling the deed of separation, separation agreement, or property settlement, or memorandum thereof, properly executed and acknowledged by ~~said husband and wife~~ both spouses, is recorded in the office of said register of deeds. The instrument which is registered under this section to authorize the conveyance of an interest in real property or the cancellation of the deed of separation, separation agreement, property settlement, or memorandum thereof shall comply with G.S. 52-10 or 52-10.1."

SECTION #. G.S. 39-13.5 reads as rewritten:

**"§ 39-13.5. Creation of tenancy by entirety in partition of real property.**

When ~~either a husband or a wife~~ a married individual owns an undivided interest in real property as a tenant in common with some person or persons other than his or her spouse and there occurs an actual partition of the property, a tenancy by the entirety may be created in the ~~husband or wife~~ married individual who owned the undivided interest and his or her spouse in the manner hereinafter provided:

- (1) In a division by cross-deed or deeds, between or among the tenants in common provided that the intent of the tenant in common to create a tenancy by the entirety with his or her spouse in this exchange of deeds must be clearly stated in the granting clause of the deed or deeds to such tenant and his or her spouse, and further provided that the deed or deeds to such tenant in common and his or her spouse is signed by such tenant in common and is acknowledged before a certifying officer in accordance with G.S. 52-10;
- (2) In a judicial proceeding for partition. In such proceeding, both spouses have the right to become parties to the proceeding and to have their pleadings state that the intent of the tenant in common is to create a tenancy by the entirety with his

or her spouse. The order of partition shall provide that the real property assigned to such tenant and his or her spouse shall be owned by them as tenants by the entirety."

**SECTION #.** G.S. 41-10 reads as rewritten:

**"§ 41-10. Titles quieted.**

An action may be brought by any person against another who claims an estate or interest in real property adverse to ~~him-the person who brought the action~~ for the purpose of determining ~~such-the~~ adverse claims; and by any man or woman against his or her ~~wife-or-husband~~ spouse or alleged ~~wife-or-husband~~ spouse who have not lived together as ~~man-and-wife-a married couple~~ within the two years preceding, and who at the death of ~~such-the~~ plaintiff might have or claim to have an interest in his or her estate, and a decree for the plaintiff shall debar all claims of the defendant in the property of the plaintiff then owned or afterwards acquired: Provided, that no such relief shall be granted against ~~such-the husband-or-wife~~ spouse or alleged ~~wife-or-husband~~, ~~except-in-case~~ spouse unless the summons in ~~said-the~~ action is ~~has been~~ personally served on ~~such defendant-him~~ or her.

If the defendant in ~~such-the~~ action ~~disclaim-disclaims~~ in ~~his-the defendant's~~ answer any interest or estate in the property, or ~~suffer-suffers~~ judgment to be taken against ~~him-the defendant~~ without answer **[or fails to answer resulting in a default judgment?]**, the plaintiff cannot recover costs. In any case in which judgment has been or shall be docketed, whether ~~such-the~~ judgment is in favor of or against the person bringing ~~such-the~~ action, or is claimed by ~~him-the person~~, or affects real estate claimed by ~~him-the person~~, or whether such judgment is in favor of or against the person against whom such action may be brought, or is claimed by ~~him-that person~~, or affects real estate claimed by ~~him-that person~~, the lien of ~~said-the~~ judgment shall be ~~such-the~~ claim of an estate or interest in real estate as is contemplated by this section."

**SECTION #.** G.S. 43-36(a) reads as rewritten:

"(a) Whole Land Conveyed. – Whenever the owner of any registered estate shall desire to convey same as security for debt, it may be done in the following manner, by a short form of transfer, substantially as follows, to wit:

A.B. and ~~wife-spouse~~ (giving names of all owners or holders of certificates and their ~~wives~~) ~~respective spouses~~) hereby transfer to C.D. the tract or lot of land described as No. \_\_\_\_\_ in registration of titles book for \_\_\_\_\_ County, a certificate for the title for same being hereto attached, to secure a debt of \_\_\_\_\_ dollars, due to \_\_\_\_\_, of \_\_\_\_\_ County and State, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, evidenced by bond (or otherwise as the case may be) dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. In case of default in payment of said debt with accrued interest, \_\_\_\_\_ days notice of sale required.

The same shall be signed and properly acknowledged by the parties making same, and shall be presented, together with the owner's certificate, to the register of deeds, whose duty it shall be to note upon the owner's certificate and upon the certificate of title in the consolidated real property records the name of the trustee, the amount of debt, and the date of maturity of same."

**SECTION #.** G.S. 47-25 reads as rewritten:

**"§ 47-25. Marriage settlements.**

All marriage settlements and other marriage contracts, whereby any money or other estate is secured to ~~the wife-or-husband-either spouse~~, shall be proved or acknowledged and registered in the same manner as deeds for lands, and shall be valid against creditors and purchasers for value only from registration."

**SECTION #.** G.S. 47-40 reads as rewritten:

**"§ 47-40. ~~Husband's acknowledgment and wife's acknowledgment~~ Acknowledgment by both spouses before the same officer.**

Where the instrument is acknowledged by ~~both husband-and-wife~~ individuals married to each other or by other grantor before the same officer the form of acknowledgment shall be in substance as follows:



I (here give name of official and his official title), do hereby certify that (here give names of the grantors whose acknowledgment is being taken) personally appeared before me this day and acknowledged the due execution of the foregoing (or annexed) instrument."

**SECTION #.** G.S. 50A-310(d) reads as rewritten:

"(d) A privilege against disclosure of communications between spouses and a defense of immunity based on the marital relationship of husband and wife or parent and child relationship may not be invoked in a proceeding under this Part."

**SECTION #.** G.S. 52-5 reads as rewritten:

**"§ 52-5. Torts between husband and wife. Interspousal torts.**

~~A husband and wife~~ Individuals married to each other have a cause of action against each other to recover damages sustained to their person or property as if they were unmarried."

**SECTION #.** G.S. 52-5.1 reads as rewritten:

**"§ 52-5.1. Tort actions between husband and wife. Interspousal tort actions arising out of acts occurring outside State.**

~~A husband and wife~~ Individuals married to each other shall have a cause of action against each other to recover damages for personal injury, property damage or wrongful death arising out of acts occurring outside of North Carolina, and ~~such the~~ action may be brought in this State when both were domiciled in North Carolina at the time of such acts."

**SECTION #.** G.S. 52-10 reads as rewritten:

**"§ 52-10. Contracts between husband and wife spouses generally; releases.**

(a) Contracts between ~~husband and wife~~ two individuals married to each other not inconsistent with public policy are valid, and any ~~persons individuals~~ of full age about to be married and married ~~persons individuals~~ may, with or without a valuable consideration, release and quitclaim such rights which they might respectively acquire or may have acquired by marriage in the property of each other; and such releases may be pleaded in bar of any action or proceeding for the recovery of the rights and estate so released. No contract or release between ~~husband and wife individuals married to each other~~ made during their coverture shall be valid to affect or change any part of the real estate of either spouse, or the accruing income thereof for a longer time than three years next ensuing the making of such contract or release, unless it is in writing and is acknowledged by both parties before a certifying officer.

(a1) A contract between ~~a husband and wife~~ two individuals married to each other made, with or without a valuable consideration, during a period of separation to waive, release, or establish rights and obligations to post separation support, alimony, or spousal support is valid and not inconsistent with public policy. A provision waiving, releasing, or establishing rights and obligations to post separation support, alimony, or spousal support shall remain valid following a period of reconciliation and subsequent separation, if the contract satisfies all of the following requirements:

(1) The contract is in writing.

(2) The provision waiving the rights or obligations is clearly stated in the contract.

(3) The contract was acknowledged by both parties before a certifying officer.

A release made pursuant to this subsection may be pleaded in bar of any action or proceeding for the recovery of the rights released.

(b) ~~Such The~~ certifying officer shall be a notary public, or a justice, judge, magistrate, clerk, assistant clerk or deputy clerk of the General Court of Justice, or the equivalent or corresponding officers of the state, territory or foreign country where the acknowledgment is made. ~~Such The~~ officer must not be a party to the contract.

(c) This section shall not apply to any judgment of the superior court or other State court of competent jurisdiction, which, by reason of its being consented to by ~~a husband and wife, two individuals married to each other~~, or their attorneys, may be construed to constitute a contract or release between ~~such husband and wife~~ the individuals married to each other **[the spouses?]**."

**SECTION #.** G.S. 52-10.1 reads as rewritten:



1 **"§ 52-10.1. Separation agreements.**

2 Any married couple is hereby authorized to execute a separation agreement not inconsistent  
3 with public policy which shall be legal, valid, and binding in all respects; provided, that the  
4 separation agreement must be in writing and acknowledged by both parties before a certifying  
5 officer as defined in G.S. 52-10(b). ~~Such-The~~ certifying officer must not be a party to the contract.  
6 This section shall not apply to any judgment of the superior court or other State court of competent  
7 jurisdiction, which, by reason of its being consented to by ~~a husband and wife, two individuals~~  
8 ~~married to each other,~~ or their attorneys, may be construed to constitute a separation agreement  
9 between ~~such husband and wife,~~ the individuals married to each other **[the spouses?]."**

10 **SECTION #.** G.S. 58-40-10 reads as rewritten:

11 **"§ 58-40-10. Other definitions.**

12 As used in this Article and in Articles 36 and 37 of this Chapter:

13 (1) "Private passenger motor vehicle" means:

14 ...

15 b. A motor vehicle that is a pickup truck or van that is owned by ~~an~~  
16 ~~individual or by husband and wife or individuals~~ an individual, by two  
17 individuals married to each other, or by individuals who are residents of  
18 the same household if it:

- 19 1. Has a gross vehicle weight as specified by the manufacturer of  
20 less than 14,000 pounds; and
- 21 2. Is not used for the delivery or transportation of goods or  
22 materials unless such use is (i) incidental to the insured's  
23 business of installing, maintaining, or repairing furnishings or  
24 equipment, or (ii) for farming or ranching. Such vehicles owned  
25 by a family farm copartnership or a family farm corporation  
26 shall be considered owned by an individual for the purposes of  
27 this section; or

28 ....

29 (2) "Nonfleet" motor vehicle means a motor vehicle not eligible for classification  
30 as a fleet vehicle for the reason that the motor vehicle is one of four or fewer  
31 motor vehicles hired under a long-term contract or owned by the insured named  
32 in the policy."

33 **SECTION #.** G.S. 58-44-45 reads as rewritten:

34 **"§ 58-44-45. Policy issued to ~~husband or wife~~ one spouse on joint property.**

35 Any policy of fire insurance issued to ~~husband or wife, one spouse,~~ on buildings and  
36 household furniture owned by ~~the husband and wife, that spouse and his or her spouse,~~ either by  
37 entirety, in common, or jointly, either name of one of the parties in interest named as the insured  
38 or beneficiary therein, shall be sufficient and the policy shall not be void for failure to disclose the  
39 interest of the other, unless it appears that in the procuring of the issuance of ~~such-the~~ policy,  
40 fraudulent means or methods were used by the insured or owner thereof."

41 **SECTION #.** G.S. 58-51-5(a) reads as rewritten:

42 "(a) No policy of accident and health insurance shall be delivered or issued for delivery to  
43 any person in this State unless:

44 ...

45 (3) It purports to insure only one person, except that a policy may insure, originally  
46 or by subsequent amendment, upon the application of an adult member of a  
47 family who shall be deemed the policyholder, any two or more eligible  
48 members of that family, including ~~husband, wife, individuals married to each~~  
49 ~~other~~ **[a spouse? the policyholder's spouse?].** dependent children or any  
50 children under a specified age which shall not exceed 19 ~~years-years,~~ and any  
51 other persons dependent upon the policyholder; and

...."

**SECTION #.** G.S. 58-51-80(e) reads as rewritten:

"(e) The benefits payable under any policy or contract of group accident, group health and group accident and health insurance shall be payable to the employees, or agents, or to some beneficiary or beneficiaries designated by the employee or agent, other than the employer or principal, but if there is no designated beneficiary as to all or any part of the insurance at the death of the employee or agent, then the amount of insurance payable for which there is no designated beneficiary shall be payable to the estate of the employee or agent, except that the insurer may in such case, at its option, pay such insurance to any one or more of the following surviving relatives of the employee or agent: ~~wife, husband, spouse,~~ mother, father, child, or children, brothers or sisters; and except that payment of benefits for expenses incurred on account of hospitalization or medical or surgical aid, as provided in subsection (f), may be made by the insurer to the hospital or other person or persons furnishing such aid. Payment so made shall discharge the insurer's obligation with respect to the amount of insurance so paid."

**SECTION #.** G.S. 97-2 reads as rewritten:

**"§ 97-2. Definitions.**

When used in this Article, unless the context otherwise requires:

(1) Employment. – The term "employment" includes employment by the State and all political subdivisions thereof, and all public and quasi-public corporations therein and all private employments in which three or more employees are regularly employed in the same business or establishment or in which one or more employees are employed in activities which involve the use or presence of radiation, except agriculture and domestic services, unless 10 or more full-time nonseasonal agricultural workers are regularly employed by the employer and an individual sawmill and logging operator with less than 10 employees, who saws and logs less than 60 days in any six consecutive months and whose principal business is unrelated to sawmilling or logging.

...

(14) Widow. – The term "widow" includes only the decedent's ~~wife~~female spouse living with or dependent for support upon ~~him~~the decedent at the time of ~~his~~the decedent's death; or living apart for justifiable cause or by reason of ~~his~~the decedent's desertion at such time.

(15) Widower. – The term "widower" includes only the decedent's ~~husband~~male spouse living with or dependent for support upon ~~her~~the decedent at the time of ~~her~~the decedent's death or living apart for justifiable cause or by reason of ~~her~~the decedent's desertion at such time.

...."

**SECTION #.** G.S. 97-67 reads as rewritten:

**"§ 97-67. Postmortem examinations; notice to next of kin and insurance carrier.**

Upon the filing of a claim for death from an occupational disease where in the opinion of the Industrial Commission a postmortem examination is necessary to accurately ascertain the cause of death, ~~such~~the examination shall be ordered by the Industrial Commission. A full report of ~~such~~the examination shall be certified to the Industrial Commission. The surviving spouse or next kin and the employer or ~~his~~the employer's insurance carrier, if their identity and whereabouts can be reasonably ascertained, shall be given reasonable notice of the time and place of ~~such~~the postmortem examination, and, if present at ~~such~~the examination, shall be given an opportunity to witness ~~the same, it,~~ Any such person may be present at and witness ~~such~~the examination either in person or through a duly authorized representative. If ~~such~~the examination is not consented to by the surviving ~~husband or wife~~spouse or next of kin, all right to compensation shall cease."

**SECTION #.** G.S. 105-153.8(e) reads as rewritten:

"(e) Joint Returns. — ~~A husband and wife~~ A married couple whose adjusted gross income is determined on a joint federal return must file a single income tax return jointly if each spouse either is a resident of this State or has North Carolina taxable income and may file a single income tax return jointly if one spouse is not a resident and has no North Carolina taxable income. Except as otherwise provided in this Part, ~~a wife and husband~~ a married couple filing jointly ~~are~~ is treated as one taxpayer for the purpose of determining the tax imposed by this Part. ~~A husband and wife filing jointly are~~ Each spouse in a married couple filing jointly is jointly and severally liable for the tax imposed by this Part reduced by the sum of all credits allowable including tax payments made by or on behalf of ~~the husband and wife~~ either or both spouses. However, if a spouse qualifies for relief of liability for federal tax attributable to a substantial understatement by the other spouse pursuant to section 6015 of the Code, that spouse is not liable for the corresponding tax imposed by this Part attributable to the same substantial understatement by the other spouse. ~~A wife and husband~~ A married couple filing jointly ~~have~~ has expressly agreed that if the amount of the payments made by them with respect to the taxes for which they are liable, including withheld and estimated taxes, exceeds the total of the taxes due, refund of the excess may be made payable to both spouses jointly or, if either is deceased, to the survivor alone."

**SECTION #.** G.S. 105-187.6(a) reads as rewritten:

"(a) Full Exemptions. — The tax imposed by this Article does not apply when a certificate of title is issued as the result of a transfer of a motor vehicle:

...

(5) By a gift between ~~a husband and wife~~, [spouses] [an individual and his or her spouse,] a parent and child, or a stepparent and a stepchild.

...."

**SECTION #.** G.S. 105-277.1 reads as rewritten:

**"§ 105-277.1. Elderly or disabled property tax homestead exclusion.**

...

(b) Definitions. — The following definitions apply in this section:

...

(1b) Owner. — A person who holds legal or equitable title, whether individually, as a tenant by the entirety, a joint tenant, or a tenant in common, or as the holder of a life estate or an estate for the life of another. A manufactured home jointly owned ~~by husband and wife~~ a married couple is considered property held by the entirety.

...

(c) Application. — An application for the exclusion provided by this section should be filed during the regular listing period, but may be filed and must be accepted at any time up to and through June 1 preceding the tax year for which the exclusion is claimed. When property is owned by two or more persons other than ~~husband and wife~~ a married couple and one or more of them qualifies for this exclusion, each owner must apply separately for his or her proportionate share of the exclusion.

~~(1)(c1)~~ Elderly Applicants. — Persons 65 years of age or older may apply for this exclusion by entering the appropriate information on a form made available by the assessor under G.S. 105-282.1.

~~(2)(c2)~~ Disabled Applicants. — Persons who are totally and permanently disabled may apply for this exclusion by (i) entering the appropriate information on a form made available by the assessor under G.S. 105-282.1 and (ii) furnishing acceptable proof of their disability. The proof must be in the form of a certificate from a physician licensed to practice medicine in North Carolina or from a governmental agency authorized to determine qualification for disability benefits. After a disabled applicant has qualified for this classification, the applicant is not required to furnish an additional certificate unless the applicant's disability is reduced to the extent that the applicant could no longer be certified for the taxation at reduced valuation.

(d) Ownership by Spouses. – A permanent residence owned and occupied by ~~husband and wife~~ a married couple is entitled to the full benefit of this exclusion notwithstanding that only one of them meets the age or disability requirements of this section.

(e) Other Multiple Owners. – This subsection applies to co-owners who are not ~~husband and wife~~ married to each other. Each co-owner of a permanent residence must apply separately for the exclusion allowed under this section.

When one or more co-owners of a permanent residence qualify for the exclusion allowed under this section and none of the co-owners qualifies for the exclusion allowed under G.S. 105-277.1C, each co-owner is entitled to the full amount of the exclusion allowed under this section. The exclusion allowed to one co-owner may not exceed the co-owner's proportionate share of the valuation of the property, and the amount of the exclusion allowed to all the co-owners may not exceed the exclusion allowed under this section.

When one or more co-owners of a permanent residence qualify for the exclusion allowed under this section and one or more of the co-owners qualify for the exclusion allowed under G.S. 105-277.1C, each co-owner who qualifies for the exclusion under this section is entitled to the full amount of the exclusion. The exclusion allowed to one co-owner may not exceed the co-owner's proportionate share of the valuation of the property, and the amount of the exclusion allowed to all the co-owners may not exceed the greater of the exclusion allowed under this section and the exclusion allowed under G.S. 105-277.1C."

**SECTION #.** G.S. 105-277.1B(e) reads as rewritten:

"(e) Multiple Owners. – A permanent residence owned and occupied by ~~husband and wife~~ a married couple is entitled to the full benefit of the property tax homestead circuit breaker notwithstanding that only one ~~of them~~ spouse meets the length of occupancy and ownership requirements and the age or disability requirement of this section. When a permanent residence is owned and occupied by two or more persons other than ~~husband and wife~~ a married couple, no property tax homestead circuit breaker is allowed unless all of the owners qualify and elect to defer taxes under this section."

**SECTION #.** G.S. 105-277.1C(d) and (e) read as rewritten:

"(d) Ownership by Spouses – A permanent residence owned and occupied by ~~husband and wife~~ a married couple is entitled to the full benefit of this exclusion notwithstanding that only one of them meets the requirements of this section.

(e) Other Multiple Owners. – This subsection applies to co-owners who are not ~~husband and wife~~ married to each other. Each co-owner of a permanent residence must apply separately for the exclusion allowed under this section.

When one or more co-owners of a permanent residence qualify for the exclusion allowed under this section and none of the co-owners qualifies for the exclusion allowed under G.S. 105-277.1, each co-owner is entitled to the full amount of the exclusion allowed under this section. The exclusion allowed to one co-owner may not exceed the co-owner's proportionate share of the valuation of the property, and the amount of the exclusion allowed to all the co-owners may not exceed the exclusion allowed under this section.

When one or more co-owners of a permanent residence qualify for the exclusion allowed under this section and one or more of the co-owners qualify for the exclusion allowed under G.S. 105-277.1, each co-owner who qualifies for the exclusion allowed under this section is entitled to the full amount of the exclusion. The exclusion allowed to one co-owner may not exceed the co-owner's proportionate share of the valuation of the property, and the amount of the exclusion allowed to all the co-owners may not exceed the greater of the exclusion allowed under this section and the exclusion allowed under G.S. 105-277.1."

**SECTION #.** G.S. 105-302(c) reads as rewritten:

"(c) For purposes of this Subchapter:

...

(10) Real property owned by ~~husband and wife~~ a married couple as tenants by the entirety shall be listed on a single abstract in the names of both tenants, and the nature of their ownership shall be indicated thereon.

...."

**SECTION #.** G.S. 105-306(c) reads as rewritten:

"(c) For purposes of this Subchapter:

...

(7) If personal property is owned by two or more persons who are joint owners, each owner shall list the value of his interest. However, if the joint owners are ~~husband and wife, married to each other,~~ the property owned jointly shall be listed on a single abstract in the names of both ~~the husband and the wife,~~ spouses.

...."

**SECTION #.** G.S. 110-130 reads as rewritten:

**"§ 110-130. Action by the designated representatives of the county commissioners.**

Any county interested in the paternity ~~and/or or~~ support or both of a dependent child may institute civil or criminal proceedings against the responsible parent of the child, or may take up and pursue any ~~paternity and/or support~~ action for establishment of paternity, for support, or for both commenced by the mother, ~~eustodian~~ custodian, or guardian of the child. ~~Such~~ The action shall be undertaken by the designated representative in the county where the mother of the child resides or is found, in the county where the father resides or is found, or in the county where the child resides or is found. Any legal proceeding instituted under this section may be based upon information or belief. The parent of the child may be subpoenaed for testimony at the trial of the action ~~to establish the paternity of and/or to obtain support for the child~~ either instituted or taken up by the designated representative of the county commissioners. The ~~husband-wife marital~~ privilege shall not be grounds for excusing the mother or father from testifying at the trial nor shall ~~said-that~~ privilege be grounds for the exclusion of confidential communications between ~~husband and wife,~~ spouses. If a parent called for examination declines to answer upon the grounds that ~~his~~ the parent's testimony may tend to incriminate ~~him,~~ the parent, the court may require ~~him~~ the parent to answer in which event ~~he~~ the parent shall not thereafter be prosecuted for any criminal act involved in the conception of the child whose paternity is in issue ~~and/or or~~ for whom support is sought, except for perjury committed in this testimony."

**SECTION #.** G.S. 113-201.1 reads as rewritten:

**"§ 113-201.1. Definitions.**

As used in this Article:

...

(4) "Single family unit" means ~~the husband and wife~~ two individuals married to each other and any unemancipated children in the household.

...."

**SECTION #.** G.S. 135-4(aa) reads as rewritten:

"(aa) Credit at Full Cost for ~~Maternity~~ Parental Leave. – Notwithstanding other provisions of this Chapter, any member in service with five or more years of credited membership service may purchase creditable service for periods of service which were interrupted due to parental leave, pregnancy or childbirth, or involuntary administrative furlough due to a lack of funds to support the position by making a lump sum amount payable to the Annuity Savings Fund equal to the full liability of the service credits calculated on the basis of the assumptions used for purposes of the actuarial valuation of the system's liabilities; and the calculation of the amount payable shall take into account the retirement allowance arising on account of the additional service credit commencing at the earliest age at which the member could retire on an unreduced retirement allowance, as determined by the Board of Trustees upon the advice of the consulting actuary, plus an administrative fee to be set by the Board of Trustees. Creditable service purchased under this

subsection may not exceed six months per parental leave, pregnancy or childbirth, or involuntary administrative furlough due to a lack of funds to support the position. Notwithstanding the foregoing provisions of this subsection that provide for the purchase of service credits, the term "full liability" includes assumed annual postretirement allowance increases, as determined by the Board of Trustees, from the earliest age at which a member could retire on an unreduced service allowance."

**SECTION #.** G.S. 135-48.43(d) reads as rewritten:

"(d) Categories of Coverage Available. – There are four categories of coverage which an employee or retiree may elect.

(1) Employee Only. – Covers enrolled employees only. Maternity benefits are provided to employee only.

(2) Employee and Child. – Covers enrolled employee and all eligible dependent children. Maternity benefits are provided to the employee only.

(3) Employee and Family. – Covers employee and spouse, and all eligible dependent children. Maternity benefits are provided to employee ~~or~~ and enrolled spouse.

(4) Employee and Spouse. – Covers employee and spouse only. Maternity benefits are provided to the employee ~~or~~ and the employee's enrolled spouse."

**SECTION #.** G.S. 143-166.2 reads as rewritten:

**"§ 143-166.2. Definitions.**

(a) The term "dependent child" ~~shall mean means~~ any unmarried child of the deceased officer, firefighter, rescue squad worker or senior member of the Civil Air Patrol whether natural, adopted, posthumously born or whether a child born out of wedlock as entitled to inherit under the Intestate Succession Act, who is under 18 years of age and dependent upon and receiving his or her chief support from ~~said the~~ officer or firefighter or rescue squad worker or senior member of the Civil Air Patrol at the time of his or her death; provided, however, that if a dependent child is entitled to receive benefits at the time of the officer's or firefighter's or rescue squad worker's or senior Civil Air Patrol member's death as hereinafter provided, he or she shall continue to be eligible to receive ~~such~~ benefits regardless of his or her age thereafter; and further provided that any child over 18 years of age who is physically or mentally incapable of earning a living and any child over 18 years of age who was enrolled as a full-time student at the time of the officer's, the firefighter's, the rescue squad worker's or the senior Civil Air Patrol member's death shall so long as he or she remains a full-time student as defined in the Social Security Act be regarded as a dependent child and eligible to receive benefits under the provisions of this Article.

(b) The term "dependent parent" ~~shall mean means~~ the parent of the deceased officer, firefighter, rescue squad worker or senior member of the Civil Air Patrol, whether natural or adoptive, who was dependent upon and receiving his or her total and entire support from the officer, firefighter, rescue squad worker or senior member of the Civil Air Patrol at the time of the injury which resulted in his or her death.

(c) The term "killed in the line of duty" ~~shall apply applies~~ to any law-enforcement officer, firefighter, rescue squad worker who is killed or dies as a result of bodily injuries sustained or of extreme exercise or extreme activity experienced in the course and scope of his or her official duties while in the discharge of his or her official duty or duties. When applied to a senior member of the Civil Air Patrol as defined in this Article, "killed in the line of duty" ~~shall mean means~~ any such senior member of the North Carolina Wing-Civil Air Patrol who is killed or dies as a result of bodily injuries sustained or of extreme exercise or extreme activity experienced in the course and scope of his or her official duties while engaged in a State requested and approved mission pursuant to Article 13 of Chapter 143B of the General Statutes. For purposes of this Article, when a law enforcement officer, firefighter, rescue squad worker, or senior Civil Air Patrol member dies as the direct and proximate result of a myocardial infarction suffered while on duty or within 24 hours after participating in a training exercise or responding to

an emergency situation, the law enforcement officer, firefighter, rescue squad worker, or senior Civil Air Patrol member is presumed to have been killed in the line of duty.

(d) The term "law-enforcement officer", "officer", or "firefighter" ~~shall mean means~~ a sheriff and all law-enforcement officers employed full-time, permanent part-time, or temporarily by a sheriff, the State ~~of North Carolina~~ or any county or municipality thereof, whether paid or unpaid; and all full-time custodial employees and probation and parole officers of the Division of Adult Correction of the Department of Public Safety; and all full time institutional and full-time, permanent part-time, and temporary detention employees of the Division of Juvenile Justice of the Department of Public Safety and full-time, permanent part-time, and temporary detention officers employed by any sheriff, county or municipality, whether paid or unpaid. The term "firemen" ~~shall mean means~~ both firefighter or firemen as defined in G.S. 58-84-5(3a), or "eligible firemen" as defined in Article 86 of Chapter 58 of the General Statutes, notwithstanding any age requirements set out in that Article, and all full-time, permanent part-time and temporary employees of the North Carolina Forest Service of the Department of Agriculture and Consumer Services during the time they are actively engaged in firefighting activities; or engaged in emergency response activities pursuant to G.S. 166A-19.77; and ~~shall mean means~~ all full-time employees of the North Carolina Department of Insurance during the time they are actively engaged in firefighting activities, during the time they are training firefighters or rescue squad workers, and during the time they are engaged in activities as members of the State Emergency Response Team, when the Team has been activated; and ~~shall mean means~~ all otherwise eligible persons who, while actively engaged as firefighters or rescue squad workers, are acting in the capacity of a fire or rescue instructor outside their own department or squad. The term "rescue squad worker" ~~shall mean means~~ a person who is dedicated to the purpose of alleviating human suffering and assisting anyone who is in difficulty or who is injured or becomes suddenly ill by providing the proper and efficient care or emergency medical services. In addition, this person must belong to an organized rescue squad which is eligible for membership in the North Carolina Association of Rescue and Emergency Medical Services, Inc., and the person must have attended a minimum of 36 hours of training in the last calendar year. Each rescue squad belonging to the North Carolina Association of Rescue and Emergency Medical Services, Inc., must file a roster of those members meeting the above requirements with the State Treasurer on or about January 31 of each year, and this roster must be certified to by the secretary of said association. In addition, the term "rescue squad worker" ~~shall mean means~~ a member of an ambulance service certified by the Department of Health and Human Services pursuant to Article 7 of Chapter 131E of the General Statutes. The Department of Health and Human Services shall furnish a list of ambulance service members to the State Treasurer on or about January 31 of each year. The term "Civil Air Patrol members" ~~shall mean means~~ those senior members of the North Carolina Wing-Civil Air Patrol 18 years of age or older and currently certified pursuant to G.S. 143B-1031. The term "firefighter" ~~shall also mean means~~ county fire marshals when engaged in the performance of their county duties. The term "rescue squad worker" ~~shall also mean means~~ county emergency services coordinators when engaged in the performance of their county duties.

(e) The term "spouse" ~~shall mean means~~ the ~~wife or husband of individual lawfully married to~~ the deceased officer, firefighter, rescue squad worker or senior Civil Air Patrol member ~~at the time of the decedent's death~~ who survives him ~~or her~~ and who was residing with ~~such the~~ officer, firefighter, rescue squad worker, or senior Civil Air Patrol member at the time of and during the six months next preceding the date of injury to ~~such the~~ officer, firefighter, rescue squad worker or senior Civil Air Patrol member which resulted in his or her death and who also resided with ~~such the~~ officer, firefighter, rescue squad worker or senior Civil Air Patrol member from that date of injury up to and at the time of his or her death and provided, however, the part of this section requiring the spouse to have been residing with the deceased officer, firefighter, rescue squad worker or senior Civil Air Patrol member for six months next preceding the date of the injury which resulted in his ~~his or her~~ or her death shall not apply where marriage occurred



1 during this six-month period or where the officer, firefighter, rescue squad worker or senior Civil  
2 Air Patrol member was absent during this six-month period due to service in the Armed Forces of  
3 the United States.

4 (f) The term "official duties" means those duties performed while en route to, engaged in,  
5 or returning from training, or in the course of responding to, engaged in or returning from a call by  
6 the department of which he or she is a member, or from a call for assistance from any department  
7 or **[other?]** such organization within ~~the State of North Carolina~~ this State or within a service  
8 area contiguous to the borders of ~~the State of North Carolina~~ this State, when served or aided  
9 by a department from within ~~the State of North Carolina~~ this State. While ~~within the State of~~  
10 ~~North Carolina~~ this State, any eligible person, as defined in this section or in G.S. 58-86-25,  
11 who renders service or assistance, of his or her own volition, at the scene of an emergency, is  
12 performing his or her official duties when:

- 13 (1) Reasonably apparent circumstances require prompt decisions and actions to  
14 protect persons and property; and
- 15 (2) The necessity of immediate action is so reasonably apparent that any delay in  
16 acting would seriously worsen the property damage or endanger any person's  
17 life."

18 **SECTION #.** G.S. 163-30 reads as rewritten:

19 "Article 4.

20 County Boards of Elections.

21 **§ 163-30. County boards of elections; appointments; terms of office; qualifications;**  
22 **vacancies; oath of office; instructional meetings.**

23 In every county of the State there shall be a county board of elections, to consist of three  
24 persons of good moral character who are registered voters in the county in which they are to act.  
25 Members of county boards of elections shall be appointed by the State Board of Elections on the  
26 last Tuesday in June 1985, and every two years thereafter, and their terms of office shall continue  
27 for two years from the specified date of appointment and until their successors are appointed and  
28 qualified. Not more than two members of the county board of elections shall belong to the same  
29 political party.

30 No person shall be eligible to serve as a member of a county board of elections who holds any  
31 elective office under the government of the United States, or of the State of North Carolina or any  
32 political subdivision thereof.

33 No person who holds any office in a state, congressional district, county or precinct political  
34 party or organization, or who is a campaign manager or treasurer of any candidate or political  
35 party in a primary or election, shall be eligible to serve as a member of a county board of  
36 elections, provided however that the position of delegate to a political party convention shall not  
37 be considered an office for the purpose of this section.

38 No person shall be eligible to serve as a member of a county board of elections who is a  
39 candidate for nomination or election.

40 No person shall be eligible to serve as a member of a county board of elections who is the  
41 ~~wife, husband, spouse,~~ son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father,  
42 father-in-law, sister, sister-in-law, brother, brother-in-law, aunt, uncle, niece, or nephew of any  
43 candidate for nomination or election. Upon any member of the board of elections becoming  
44 ineligible, that member's seat shall be declared vacant. This paragraph only applies if the county  
45 board of elections is conducting the election for which the relative is a candidate.

46 The State chairman of each political party shall have the right to recommend to the State Board  
47 of Elections three registered voters in each county for appointment to the board of elections for  
48 that county. If such recommendations are received by the Board 15 or more days before the last  
49 Tuesday in June 1985, and each two years thereafter, it shall be the duty of the State Board of  
50 Elections to appoint the county boards from the names thus recommended.

1 Whenever a vacancy occurs in the membership of a county board of elections for any cause the  
2 State chairman of the political party of the vacating member shall have the right to recommend  
3 two registered voters of the affected county for such office, and it shall be the duty of the State  
4 Board of Elections to fill the vacancy from the names thus recommended.

5 At the meeting of the county board of elections required by G.S. 163-31 to be held on Tuesday  
6 following the third Monday in July in the year of their appointment the members shall take the  
7 following oath of office:

8 "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the  
9 Constitution of the United States; that I will be faithful and bear true allegiance to  
10 the State of North Carolina and to the constitutional powers and authorities which  
11 are or may be established for the government thereof; that I will endeavor to  
12 support, maintain and defend the Constitution of said State, not inconsistent with  
13 the Constitution of the United States; and that I will well and truly execute the  
14 duties of the office of member of the \_\_\_\_\_ County Board of Elections to the  
15 best of my knowledge and ability, according to law; so help me God."

16 Each member of the county board of elections shall attend each instructional meeting held  
17 pursuant to G.S. 163-46, unless excused for good cause by the chairman of the board, and shall be  
18 paid the sum of twenty-five dollars (\$25.00) per day for attending each of those meetings."

19 **SECTION #.** G.S. 163-41.1(b) reads as rewritten:

20 "(b) No precinct official who is the ~~wife, husband, spouse,~~ mother, father, son, daughter,  
21 brother or sister of any candidate for nomination or election may serve as precinct official during  
22 any primary or election in which ~~such-the~~ candidate participates. The county board of elections  
23 shall temporarily disqualify any such official for the specific primary or election involved and  
24 shall have authority to appoint a substitute official, from the same political party, to serve only  
25 during the primary or election at which ~~such-the~~ conflict exists."

26 **SECTION #.** G.S. 163-43 reads as rewritten:

27 **"§ 163-43. Ballot counters; appointment; qualifications; oath of office.**

28 The county board of elections of any county may authorize the use of precinct ballot counters  
29 to aid the chief judges and judges of election in the counting of ballots in any precinct or precincts  
30 within the county. The county board of elections shall appoint the ballot counters it authorizes for  
31 each precinct or, in its discretion, the board may delegate authority to make such appointments to  
32 the precinct chief judge, specifying the number of ballot counters to be appointed for each  
33 precinct. A ballot counter must be a resident of the county in which the precinct is located.

34 No person shall be eligible to serve as a ballot counter, who holds any elective office under the  
35 government of the United States, or of the State of North Carolina or any political subdivision  
36 thereof.

37 No person shall be eligible to serve as a ballot counter, who serves as chairman of a state,  
38 congressional district, county, or precinct political party or political organization.

39 No person who is the ~~wife, husband, spouse,~~ mother, father, son, daughter, brother or sister of  
40 any candidate for nomination or election may serve as ballot counter during any primary or  
41 election in which such candidate qualifies.

42 No person shall be eligible to serve as a ballot counter who is a candidate for nomination or  
43 election.

44 Upon acceptance of appointment, each ballot counter shall appear before the precinct chief  
45 judge at the voting place immediately at the close of the polls on the day of the primary or election  
46 and take the following oath to be administered by the chief judge:

47 "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the  
48 United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to  
49 the constitutional powers and authorities which are or may be established for the government  
50 thereof; that I will endeavor to support, maintain and defend the Constitution of said State not  
51 inconsistent with the Constitution of the United States; that I will honestly discharge the duties of

1 ballot counter in \_\_\_\_\_ precinct, \_\_\_\_\_ County for primary (or election) held this day, and  
2 that I will fairly and honestly tabulate the votes cast in said primary (or election); so help me,  
3 God."

4 The names and addresses of all ballot counters serving in any precinct, whether appointed by the  
5 county board of elections or by the chief judge, shall be reported by the chief judge to the county  
6 board of elections at the county canvass following the primary or election."

7 **SECTION #.** G.S. 143B-1248 reads as rewritten:

8 **"§ 143B-1248. Rights conferred.**

9 (a) Any person under the age of 18 years who is the ~~husband or wife~~ spouse of a veteran,  
10 is hereby authorized and empowered in his or her own name, and without any order of court or the  
11 intervention of a guardian or trustee, to execute any and all contracts, conveyances, and  
12 instruments, to take title to property, to defend any action at law, and to do all other acts necessary  
13 to make fully available to ~~such the~~ veteran, his or her family or dependents, all rights and benefits  
14 under the laws of the United States relating to veterans benefits, in as full and ample manner as if  
15 ~~such the~~ minor husband or wife of such veteran had attained the age of 18 years.

16 (b) Any person under the age of 18 years, who is the ~~husband or wife~~ spouse of a veteran,  
17 is hereby authorized and empowered in his or her own name, and without any order of court or the  
18 intervention of a guardian or trustee, to join in the execution of any contract, deed, conveyance or  
19 other instrument which may be deemed necessary to enable his or her veteran spouse to make full  
20 use of any property purchased pursuant to the provisions of the foregoing subsection, including the  
21 right to dispose of ~~such the~~ property.

22 (c) With respect to any action at law or special proceeding in relation to any transaction  
23 within the purview of this Part, every minor person to whom this Part applies shall appear and  
24 plead in his or her own name and right without the intervention of any guardian or trustee; and  
25 every such minor person shall be considered a legal party to any such action at law or special  
26 proceeding in all respects as if ~~such the~~ person had attained the age of 18 years. No such minor  
27 shall hereafter interpose the defense of lack of legal capacity by reason of age in connection with  
28 any transaction within the purview of this Part, nor disavow any such transaction upon coming of  
29 age."